

REMOVAL TO FEDERAL COURT

STATE COURT RECORD

STATE OF INDIANA

Monroe Circuit Court 6

53C06-2204-CT-000757

VICKIE FREEMAN

v.

WALMART STORES, EAST, LP

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Vickie Freeman v. Walmart Stores East, LP

Case Number	53C06-2204-CT-000757
Court	Monroe Circuit Court 6
Type	CT - Civil Tort
Filed	04/18/2022
Status	04/18/2022, Pending (active)

Parties to the Case

Defendant Walmart Stores East, LP

Address

c/o CT Corporation System
334 North Senate Avenue
Indianapolis, IN 46204

Plaintiff Freeman, Vickie

Attorney

Frederick William Schultz
#1955453, Retained

GREENE & SCHULTZ
520 North Walnut Street
Bloomington, IN 47404
812-336-4357(W)

Chronological Case Summary

04/18/2022 Case Opened as a New Filing

04/18/2022 Appearance Filed

Appearance filed. ASR
For Party: Freeman, Vickie
File Stamp: 04/18/2022

04/18/2022 Complaint/Equivalent Pleading Filed

Complaint for Damages filed. ASR
Filed By: Freeman, Vickie
File Stamp: 04/18/2022

04/18/2022 Subpoena/Summons Filed

Summons - Walmart filed. Clerk notes a signed, dated, sealed Summons is forwarded to Plaintiff/Plaintiff's Counsel via e-notice for service upon parties of record. Plaintiff/Plaintiff's Counsel to perfect service and file proof of service with the Court. For Sheriff Service requests, applicable copies are to be supplied to the Sheriff's office directly by counsel.
ASR

Filed By: Freeman, Vickie
File Stamp: 04/18/2022

04/19/2022 Case Filed Electronically

04/25/2022 Notice to Court Filed

Notice of Perfection of Service filed. kb

Filed By: Freeman, Vickie
File Stamp: 04/25/2022

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Freeman, Vickie

Plaintiff

Balance Due (as of 05/13/2022)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
04/18/2022	Transaction Assessment	157.00
04/18/2022	Electronic Payment	(157.00)

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APPEARANCE FORM (CIVIL)

Initiating Party

CAUSE NO.	53C06-2204-CT-000757
1. Name of first initiating party	Vickie Freeman
2. Telephone of pro se initiating party	N/A
3. Attorney information (as applicable for service of process)	Fred Schultz, Atty No. 19554-53 Greene & Schultz 520 N. Walnut Street Bloomington, IN 47404 PHONE: (812) 336-4357 FAX: (812) 336-5615 E-MAIL: fred@greeneschultz.com
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	Yes
6. Are there related cases	No
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) SS:
COUNTY OF MONROE) CAUSE NUMBER 53C06-2204-CT-000757

VICKIE FREEMAN

VS

WALMART STORES EAST, LP

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Vickie Freeman, by counsel, Fred Schultz, and for her cause of action against the Defendant, Walmart Stores East, LP., alleges and says:

1. At all times relevant hereto, the Plaintiff was and is a citizen of the State of Georgia.

2. Defendant Walmart Stores East, LP (hereafter "Walmart") is a corporation that is incorporated under the laws of the State of Arkansas. Walmart has its principal place of business in the State of Arkansas. Walmart is a citizen of the State of Arkansas.

3. On July 2, 2021, the Plaintiff, Vickie Freeman, was visiting the Walmart store located at 3313 W. State Road 45 in Bloomington, Monroe County, Indiana, for the purpose of shopping and purchasing various items.

4. At all times relevant, the property was owned and/or controlled by Walmart Stores East, LP.

5. On July 2, 2021, Plaintiff, Vickie Freeman, while exercising due care and caution for her own safety, was injured when the seat on motorized “mobility scooter” provided to customers by Walmart broke, causing Ms. Freeman to fall, which resulted in personal injury to the plaintiff.

6. At all times relevant herein, Plaintiff, Vickie Freeman, was an invitee on Walmart's premises.

7. Plaintiff, Vickie Freeman, was injured due the negligence of Wal-Mart employees who failed to use reasonable care in the routine inspection and maintenance of the store's motorized mobility scooters.

8. It was the duty of Walmart to use ordinary care and diligence to inspect and maintain its motorized mobility scooters in a reasonably safe condition for their intended uses, and to keep them free from all defects and conditions which would render their use unsafe for the Plaintiff or present an unreasonable risk of harm to Plaintiff in her lawful use of same.

9. It was the duty of Walmart to have available sufficient personnel and equipment to properly inspect and maintain the motorized mobility scooters in a condition reasonably safe for the Plaintiff and free from defects and conditions rendering them unsafe.

10. It was the duty of Walmart to warn Plaintiff of the dangerous and unsafe condition of the motorized mobility scooters and/or to take them out of service before being used by customers.

11. Walmart knew, or should have known, of the unreasonable risk of danger to the Plaintiff, but failed either to discover it or to correct it after discovery.

12. The fall from the motorized mobility scooter and resultant serious and permanent injuries of Plaintiff were caused by the negligence of Walmart.

13. The aforesaid acts of negligence on the part of Walmart was the proximate cause of the injuries sustained by the Plaintiff.

14. That the motorized mobility scooter that caused Plaintiff's injuries and damages was in the exclusive control of Walmart at all times.

15. Plaintiff is therefore alleging the doctrine of *Res Ipsa Loquitur* applies to the determination of liability in the present case.

16. The Plaintiff has incurred medical expenses, lost wages and other special expenses, and will incur future medical expenses, lost wages and other special expenses as a direct and proximate result of Walmart's negligence.

WHEREFORE, the Plaintiff, Vickie Freeman, by counsel, Fred Schultz, demands judgment against the Defendant, Walmart Stores, Inc., for her serious and permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, lost wages, lost time from work and other special expenses, for future medical expenses, lost wages, and other special expenses, court costs and all other proper relief in the premises.

GREENE & SCHULTZ

By: /s/ Fred Schultz
Fred Schultz, 19554-53
Attorney for Plaintiff

GREENE & SCHULTZ
520 N. WALNUT STREET
BLOOMINGTON, IN 47404
TELEPHONE: (812) 336-4357
FACSIMILE: (812) 336-5615

DEMAND FOR JURY TRIAL

Comes now the plaintiff, Vickie Freeman, by counsel, Fred Schultz, and hereby demands that the Court schedule this matter for a jury trial.

/s/ Fred Schultz
Fred Schultz

GREENE & SCHULTZ
520 N. WALNUT STREET
BLOOMINGTON, IN 47404
TELEPHONE: (812) 336-4357
FACSIMILE: (812) 336-5615

CIRCUIT COURTS FOR THE COUNTY OF MONROE
 STATE OF INDIANA
 P.O. BOX 547
 BLOOMINGTON, IN 47401

VICKIE FREEMAN
 Plaintiff(s)

VS

CAUSE NO. 53C06-2204-CT-000757

WALMART STORES EAST, LP
 Defendant(s)

SUMMONS

The State of Indiana to Defendant: **Walmart Stores East, LP, c/o CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204**

You have been sued by the person(s) named "plaintiff" in the court states above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this Summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

4/18/2022

Date:

Vickie Freeman
 CLERK, MONROE CIRCUIT COURTS

 INDIANA

GREENE & SCHULTZ
 520 N. WALNUT STREET
 BLOOMINGTON, IN 47404
 TELEPHONE: (812) 336-4357

ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____ this ____ day of _____, 20 ____.

SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service be used by the Clerk.

- By certified or registered mail with return receipt to above address.
- By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of above with some person of suitable age and discretion residing therein.
- By _____ delivering a copy of the summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- By serving his agent as provided by rule, statute or valid agreement, to-wit:

GREENE & SCHULTZ

/s/Fred Schultz
 ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING: I certify that on the _____ day of _____, 20_____, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified) mail requesting a return receipt signed by the addressee only addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this _____ day of _____, 20_____.

CLERK, MONROE CIRCUIT COURTS

RETURN OF SERVICE OF SUMMONS BY MAIL: I hereby certify that service of summons with return receipt requested was mailed on the _____ day of _____, 20_____, and that a copy of the return of receipt was received by me on the _____ day of _____, 20_____, which copy is attached herewith.

CLERK, MONROE CIRCUIT COURTS

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPT BY MAIL.: I hereby certify that on the ___ day of _____, 20_____, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this ___ day of _____, 20_____, and I did deliver said summons and a copy of the complaint to the Sheriff of Monroe County, Indiana.

Dated this _____ day of _____, 20_____.

CLERK, MONROE CIRCUIT COURTS

Dated this _____ day of _____, 20_____.

CLERK, MONROE CIRCUIT COURTS

RETURN OF SUMMONS: This summons came to hand on the ___ day of _____, 20_____, and I served the same on the _____ day of _____, 20_____.
1. By mailing a copy of the summons and complaint personally to _____ address _____

2. By delivering a copy of the summons and complaint personally to _____.

3. By delivering a copy of the summons and complaint at _____ the dwelling house or unusual place of abode of defendant: _____ (Name of Person) and by mailing by first class mail a copy of the summons on the ___ day of _____, 20_____, to _____ to his last known address.

4. By serving his agent as provided by rule, statute or valid agreement, to-wit: _____

5. Defendant cannot be found in my bailiwick and summons was not served.

And I now return this writ this _____ day of _____, 20_____.

SHERIFF or DEPUTY

RETURN ON SERVICE OF SUMMONS: I hereby certify that I have served the within summons:

1. By delivery on the _____ day of _____, 20____ a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____.
2. By leaving on the _____ day of _____, 20____ for each of the within named defendant(s) _____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. _____ and by mailing a copy of the summons without the complaint to _____ at _____
The last known address of defendant(s).

All done in Monroe County, Indiana.

Fees: \$ _____

SHERIFF or DEPUTY

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) SS:
COUNTY OF MONROE) CAUSE NO. 53C06-2204-CT-000757

VICKIE FREEMAN

vs

WALMART STORES EAST, LP

NOTICE OF PERFECTION OF SERVICE

Comes now Fred Schultz, counsel for the Plaintiff, and hereby affirms that Plaintiff has perfected service of the following documents on the following party as indicated below:

Party Served: Walmart Stores East, LP
c/o CT Corporation System

Address: 334 North Senate Avenue
Indianapolis, IN 46204

Service Method: Certified Mail, Return Receipt Requested

Tracking Number: 7017.0530.0001.0188.1138

Date Service
Perfected: April 22, 2022
(See copy of Return Receipt attached hereto as Exhibit A)

Respectfully submitted,
GREENE & SCHULTZ

/s/Fred Schultz
Fred Schultz, #19554-53
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have mailed or personally delivered, or served via the E-Filing system a copy of this motion to Walmart Stores East, LP, c/o CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204, on April 25, 2022.

/s/Fred Schultz
Fred Schultz

GREENE & SCHULTZ
520 N WALNUT ST
BLOOMINGTON, IN 47404
(812) 336-4357

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

Walmart Stores East, LP
 c/o Registered Agent
 CT Corporation System
 334 North Senate Avenue
 Indianapolis, IN 46204



55-FREIGHT 9590 9402 6237 0265 6982 11

2. Article Number (Transfer from service label)

7017 0530 0001 0188 1138

A. Signature

X

Monroe County, Indiana

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

No

APR 22 2020
 INDIANAPOLIS, IN

3. Service Type

Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery
 OO)

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6237 0265 6982 11

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box®

GREENE & SCHULTZ
520 N Walnut St.
Bloomington, IN 47404

